



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,956	12/09/2003	Takamitsu Suzuki	01-524	2733
23400	7590	11/16/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			BEHNCKE, CHRISTINE M	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,956

Applicant(s)

SUZUKI, TAKAMITSU

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the Amendment and Remarks filed 30 August 2005, in which claims 1-13 were presented for prosecution.

2. The Examiner acknowledges the amended specification filed 30 August 2005 and withdrawals the previous objection to the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorai et al., US Patent No. 6,282,492.

4. **(Claim 1)** Gorai et al. discloses a navigation device comprising: a storage medium managing unit for reading road data including road shape data from a storage medium (data storage means 103, Column 15, lines 36-47); a communications unit for receiving guidance route data including road shape data from a server via a communications network (data communication section 108, navigation center 150); and a route guidance executing unit for executing route guidance by using the road data read by the storage medium managing unit and the guidance route data received by the communications unit (route guidance data storing section 1032, Column 16, lines 46-58), wherein the route guidance executing unit designates road data relevant to the

Art Unit: 3661

guidance route data from the road data read by the storage medium managing unit through executing, using a map matching technology (Column 19, lines 57-65), matching between the road shape data received by the communications unit and the road shape data read by the storage medium managing unit (Column 19, line 40-Column 20, line 11), and wherein the route guidance executing unit then executes the route guidance after reflecting the guidance route data on the road data relevant to the guidance route data (figure 7).

5. **(Claim 2)** Gorai et al. further discloses wherein the communications unit receives the guidance route data including road attribute data (Column 19, lines 11-29), and wherein the route guidance executing unit executes the matching by also using the road attribute data (Column 19, line 57-Column 20, line 11 and Column 21, lines 35-48).

6. **(Claim 3)** Gorai et al. further discloses wherein the route guidance executing unit executes the route guidance after correcting the designated road data relevant to the guidance route data by using the guidance route data (Column 21, line 48-Column 22, line 42).

7. **(Claim 4)** Gorai et al. further discloses wherein the storage medium managing unit can execute rewriting on the storage medium (Column 18, lines 8-31), and wherein the route guidance executing unit makes the storage medium managing unit correct, by using the guidance route data, the designated road data that is relevant to the guidance route data and is stored in the storage medium (Column 18, lines 8-31 and lines 46-51).

8. **(Claim 5)** Gorai et al. further discloses wherein, when no road data relevant to the guidance route data is designated from the road data read by the storage medium

Art Unit: 3661

managing unit through executing matching, the route guidance executing unit executes the route guidance by adding the guidance route data to the road data read by the storage medium managing unit (Column 21, line 35-Column 22, line 42).

9. **(Claim 6)** Gorai et al. further discloses wherein, when no road data relevant to the guidance route data is designated from the road data read by the storage medium managing unit through executing matching, the route guidance executing unit makes the storage medium managing unit add the guidance route data to the storage medium (Column 18, lines 8-31 and lines 46-51 and Column 21, line 35-Column 22, line 42).

10. **(Claim 9)** Gorai et al. discloses a computer program product including a computer readable medium used for executing route guidance in a navigation system having: a storage medium managing unit for reading road data including road shape data from a storage medium (data storage means 103, Column 15, lines 36-47); and a communications unit for receiving guidance route data from a server via a communications network (data communication section 108, navigation center 150), the computer program product comprising: instructions for reading the road data including the road shape data from the storage medium (Column 19, line 57-Column 20, line 11); instructions for receiving the guidance route data including road shape data from the server (Column 19, lines 50-56); instructions for designating road data relevant to the guidance route data from the road data read from the storage medium through executing, using a map matching technology (Column 19, lines 57-65), matching between the road shape data received from the server and the road shape data read

Art Unit: 3661

from the storage medium (Column 21, line 35-Column 22, line 42); and instructions for executing the route guidance after reflecting the guidance route data on the road data relevant to the guidance route data (figures 7 and 13 and Column 22, lines 37-42).

11. **(Claim 10)** Gorai et al. further discloses wherein the route guidance is executed after correcting the designated road data relevant to the guidance route by using the guidance route data (Column 21, line 48-Column 22, line 42).

12. **(Claim 11)** Gorai et al. further discloses instructions for making the storage medium managing unit correct, by using the guidance route data, the designated road data that is relevant to the guidance route data and is stored in the storage medium (Column 18, lines 8-31 and lines 46-51).

13. **(Claim 12)** Gorai et al. further discloses wherein the route guidance is executed by adding the guidance route data to the road data read by the storage medium managing unit, when no road data relevant to the guidance route data is designated from the road data read by the storage medium managing unit (Column 21, line 35-Column 22, line 42).

14. **(Claim 13)** Gorai et al. further discloses instructions for making the storage medium managing unit add the guidance route data to the storage medium, when no road data relevant to the guidance route data is designated from the road data read by the storage medium managing unit (Column 18, lines 8-31 and lines 46-51 and Column 21, line 35-Column 22, line 42).

Response to Arguments

Art Unit: 3661

15. Applicant's arguments filed 30 August 2005 have been fully considered but they are not persuasive.

Applicant contends that cited reference Gorai et al. fails to disclose, teach or suggest using a map matching technology or road shape data. The Examiner respectfully disagrees. In the broadest reasonable interpretation of the claims, the Examiner contends that Gorai et al. does disclose the use of a map matching technology to match the road shape data received by the communication unit and the road shape data read by the storage medium managing unit. Applicant's own specification describes the road shape data "can be any data that can indicate a road shape" ([0034] of the published application 2004/0153241). Gorai et al. discloses transmitting intersection data, which includes intersection coordinates of the specified intersections, the turning angle, attributes and distance between adjoining nodes (figures 5, 6, Column 16, lines 31-40 and Column 18, lines 40-45). Further, Gorai et al. discloses the process of matching the map information in figures 14, 18 and the previously cited portions, wherein the intersection data of the navigation center representing the guidance intersection map is matched to the intersection data of the navigation apparatus intersection map.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3661

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

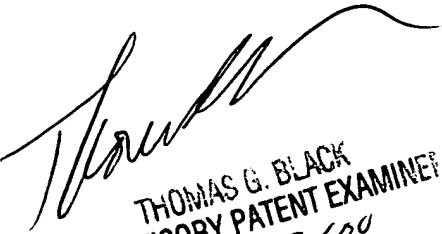
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11-07-2005


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600